IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.NO.3006 OF 1995
DATED 18-1-2007

BETWEEN
N.Sreenivasulu

.. PETITIONER

And

The Principal,
Jawahar Navodaya Vidyalaya, NSC Area,
Ongole, Prakasam District A.P.
And another.

…RESPONDENTS

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.3006 of 1995

ORDER:

This writ petition is filed seeking a Mandamus directing the respondents to treat the petitioner as U.D.C. in Jawahar Navodaya Vidyalaya N.S.C.area, Ongole with effect from the date of his appointment as L.D.C i.e. 24.10.1987 with all consequential benefits like seniority, pay and allowances and other attendant benefits or at least to treat the petitioner as U.D.C. in the existing vacancy by holding the action of the respondents in trying to fill up the existing post by outsiders by way of deputation etc., as arbitrary and illegal.

The petitioner was appointed as L.D.C on regular basis with effect from 24.10.1987 in the 1st respondent School. According to the petitioner, from the day one, i.e., 24.10.1987, he has been discharging the duties of U.D.C as the said post available in the institution was not filled up. In that position, he worked for more than 7 years. Therefore, he claims that he is entitled for automatic absorption as U.D.C. with effect from 24.10.1987 and also for all the arrears of differences of wages.

A detailed counter affidavit has been filed denying the allegations made by the petitioner inter alia admitting that the post of UDC was vacant for quite some time in Ongole. It is also stated that availability of vacancy in the post of UDC in a particular school will not bestow any right on the LDC's working in that school to be automatically promoted as U.D.C. The statement of the petitioner that he has completed 7 years of service and has been discharging the duties of UDC is irrelevant. A statement showing the notified seniority list of LDC's working in Navodaya Vidyalayas is prepared, in which the name of the petitioner appears at serial No.43. The contention of the petitioner that his claim was legitimate is absolutely false and misleading. Instead, his claim may be called as whimsical as knowing

the rules thoroughly that no individual promotion of LDC's can be given without considering the common seniority and approval of the DPC, the petitioner made a claim to promote him to the post of UDC ignoring the seniority of other seniors.

From the above, it is clear that the petitioner was appointed only as LDC with effect from 24.10.1987. May be, he was asked to perform the duties of UDC since the said post was vacant for quite some time at Ongole. But that itself does not confer any right on the petitioner for being absorbed as UDC particularly with effect from 24.10.1987, the date on which he was appointed as LDC. The petitioner may be entitled for some allowances of UDC for taking up the additional responsibility, if the same is permissible as per the rules in vogue. Admittedly, the petitioner stands at serial No.43 in the seniority list prepared by the institution. All the Navodaya Vidayalayas put together are one unit for the purpose of appointment, seniority and promotion etc., Therefore, the petitioner is not entitled to be considered for promotion as UDC by overlooking the seniority of other 42 persons, who admittedly seniors to him. For the purpose of promotion, all the institutions are to be treated as one unit. Therefore, the claim of the petitioner is mis-conceived.

The writ petition is devoid of merit and is liable to be dismissed. Accordingly it is dismissed.

However, this will not preclude the petitioner from claiming any additional monetary benefits as per the rules for holding any higher responsibility as claimed by him.

C.V.RAMULU,J

Dated 18.1.2007
msv